REMARKS

In view of the amendments proposed above, Applicants respectfully request consideration of the following remarks.

Claim Objections

Claim 1-10 and 14 were objected to because of informalities. More specifically, the Examiner suggested that the abbreviations used in these claims be defined. Office Action, at pg. 2. Applicant has amended these claims, as suggested by the Examiner, to overcome these objections.

Obviousness Rejections Under 35 U.S.C. § 103

To reject a claim or claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a prima facie case of obviousness. M.P.E.P. § 2142. When establishing a prima facie case of obviousness, the Examiner must set forth evidence showing that the following three criteria are satisfied:

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. M.P.E.P. § 2142 (citing *In re Vaeck*, 20 U.S.P.Q.2d 1438 (Fed.

Cir. 1991)). Also, the evidentiary showing of a motivation or suggestion to combine

prior art references "must be clear and particular." *In re Dembiczak*, 175 F.3d 994, 999,

50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).

<u>Obviousness Rejection Based on United States Patent 5,537,417 to Sharma et al.</u>

Claims 1, 3, 7, and 9 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over United States Patent 5,537,417 to Sharma et al. (hereinafter "Sharma").

Applicant respectfully traverses this rejection as set forth below.

Claim 1, as amended, recites:

> 1.   A method of communication over an InfiniBand (IB) network
> comprising:
> receiving data from an application;
> ***determining whether the application is a legacy application or a new***
> ***application***;
> creating a socket;
> associating the socket with a first address family and performing a mapping
>   between a socket application programming interface (API) and sockets
>   direct protocol (SDP) layer ***if the application is a legacy application***; and
> associating the socket with a second address family and performing a mapping
>   between the socket API and an IB verb ***if the application is a new***
>   ***application***.

Each of independent claims 4, 7, and 10 has been amended to recite some

limitations similar to those recited in claim 1.

Sharma is directed to a method of selecting a protocol based upon the various

protocol supported by the endpoint and/or the network. <u>Column 2, Lines 39-54; Column</u>

<u>4, Line 51 through Column 6, Line 36</u>. Note that, at the node (see FIG. 2) where a

communication is initiated, the applications are compatible, or are made compatible with, the socket API. <u>Column 4, Lines 7-13</u>. Thus, all applications are legacy applications, and the protocol used for the connection between two nodes is dependent upon the protocols supported by the network and/or end node.

In contrast, in the present invention as claimed, the protocol of the network is known (i.e., InfiniBand), but the protocol supported by the various applications at a node may vary (e.g., an application can be a legacy application or a new application). Claims 1 and 7 (as well as claims 4 and 10) were amended to clarify that the claimed invention is directed to a method (and systems) wherein the protocol associated with a socket is based, as least in part, upon whether the application (for which the socket was created) is a legacy application or a new application. Sharma fails to disclose such a method (and system).

As Sharma fails to disclose at least the above-noted limitations of independent claims 1, 4, 7, and 10, each of these claims is nonobvious in view of Sharma. Also, if an independent claim is nonobvious, then any claim depending from the independent claim is also nonobvious. M.P.E.P. §2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)). Therefore, claims 3 and 9 are allowable as depending from nonobvious, independent claims 1 and 7, respectively.

Obviousness Rejection Based on United States Patent 5,537,417 to Sharma et al. in View of United States Patent 6,594,712 to Petty et al.

Claims 2, 4-6, 8, and 10-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharma in view of United States Patent 6,594,712 to Petty et al. (hereinafter "Petty"). Applicant respectfully traverses this rejection as set forth below.

As set forth above, Sharma fails to disclose at least the above-noted limitations of independent claims 1, 4, 7, and 10. Petty, either individually or in combination, also fails to disclose these limitations. Thus, each of claims 1, 4, 7, and 10 is allowable in view of Sharma and/or Petty. Also, claim 2 is allowable as depending from nonobvious independent claim 1, claims 5-6 are allowable as depending from nonobvious independent claim 4, claim 8 is allowable as depending from nonobvious independent claim 7, and claims 11-14 are allowable as depending from nonobvious independent claim 10.
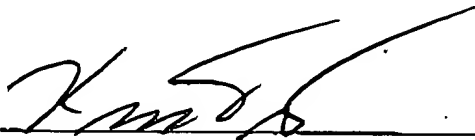
CONCLUSION

Applicant submits that claims 1-14 are in condition for allowance and respectfully requests allowance of such claims.

Please charge any shortages and credit any overages to our Deposit Account No. 02-2666.

Respectfully submitted,

Date: August 3, 2004

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Signature   Date

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